IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 334 (SS) of 2006

Raja Ram,
S/o late Sri Hari Singh,
R/o II/ j – 2, Bahadrabad,
Hardwar. **……..Petitioners.**

Versus

1. State of Uttaranchal through Secretary, Ministry of Irrigation, Civil Secretariat, Dehradun.

2. Executive Engineer, Administrative Division, Irrigation Research Institute, Roorkee, District – Hardwar.

3. Research Officer, Irrigation Research Institute, Roorkee, District – Hardwar.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Pankaj Miglani, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Brief Holder for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. To summon the complete record pertaining to the case.

II. To issue a writ, order or direction in the nature of Certiorari quashing the order dated 01.03.2005 contained in Annexure No. 4 whereby the representation of the petitioner for grant of pension to him has been rejected by respondent no. 5.

III. To issue a writ, order or direction in the nature of Mandamus direction the respondent authorities consider the case of the petitioner for pensionary

benefits and other emolument after adding his past services rendered to the department as a muster roll employee and work charge employee and or

IV. *Issue any other suitable order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

V. *award the cost of the petition to the petitioner.*

During the course of argument, learned counsel for the petitioner does not want to press relief (i) and (ii) of the prayer clause in the writ petition.

Permission is granted.

The third prayer of the petitioner is that respondents be directed to consider the case of the petitioner for pensionary benefits and other emoluments after adding his past services rendered to the department as a muster roll employee and work charge employee.

Learned counsel for the petitioner has submitted that petitioner is going to be retired in year 2009 and petitioner has made several representations to the respondents to add his past services rendered by him to the department as a muster roll employee and work charge employee. One of the representations is annexed along with writ petition as Annexure no. 3.

During the course of argument, learned counsel for the petitioner has confined his prayer that writ petition may be disposed of with a direction to the respondent no. 2 to decide the representation of the petitioner.

Petitioner has made representation to respondent no. 3 and he wants a direction be issued to respondent no. 2 to

decide the representation of the petitioner, which is addressed to respondent no. 3

In view of the above circumstances, I deem it fit and proper, to direct the petitioner to make fresh representation raising all his grievance before respondent no. 2 within a period of two weeks from today and respondent no. 2 is directed to decide the representation so made within a period of two months from the date of production of representation along with certified copy of this order.

With this direction, the writ petition as well as civil misc. application no. 2646 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

December 20, 2006
SKSharmaS